

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEVIN P. BRENNAN,

Plaintiff,

-against-

UNITED STATES DEPARTMENT OF
JUSTICE, *et al.*,

Defendants.

18-CV-5022 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, appearing *pro se*, brings this action, under 42 U.S.C. § 1983, in an apparent attempt to challenge his conviction and sentence entered in the United States District Court for the Southern District of Florida. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court a nearly identical complaint against Defendants and it contains the same allegation. That case is presently pending before this Court under docket number 18-CV-3647 (CM). As this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 18-CV-3647 (CM).

The Clerk of Court is directed to assign this matter to my docket, mail a copy of this order to Plaintiff, and note service on the docket. Plaintiff is granted *in forma pauperis* under 28 U.S.C. § 1915(a)(1) for the limited purpose of dismissing this complaint without prejudice. Plaintiff's complaint is dismissed as duplicative.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 28, 2018
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge